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Human rights questions: human rights situations and reports of special rapporteurs and representatives

Draft resolution submitted by the Chairman on the basis of informal consultations

The question of human rights in Afghanistan

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949[3] and the Additional Protocols thereto, of 1977,[4]

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling that Afghanistan is a party to the Convention on the Prevention and Punishment of the Crime of Genocide,[5] the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights, [2]the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[6] the Convention on the Rights of the Child[7] and the Geneva Convention relative to the Protection

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] United Nations, *Treaty Series*, vol. 75, Nos. 970–973.
[4] Ibid., vol. 1125, Nos. 17512 and 17513.
[5] Resolution 260 A (III).
[6] Resolution 39/46, annex.
[7] Resolution 44/25, annex.

of Civilian Persons in Time of War,[8] and that it has signed the Convention on the Elimination of All Forms of Discrimination against Women,[9]

Recalling also all its relevant resolutions, as well as the resolutions and presidential statements of the Security Council, the decisions of the Economic and Social Council and the resolutions and decisions of the Commission on Human Rights,

1. *Takes note with appreciation* of the report of the Special Rapporteur on the situation of human rights in Afghanistan[10] and of the conclusions and recommendations contained therein;

2. *Strongly condemns* the mass killings and systematic human rights violations against civilians and prisoners of war and notes with alarm the escalating cycle of mass killings;

3. *Expresses its gravest concern* at numerous reports of new mass killings in the areas of Mazar-i-Sharif and Bamiyan by the Taliban;

4. *Condemns* the widespread violations and abuses of human rights and humanitarian law, including the rights to life, liberty and security of person, freedom from torture and from other forms of cruel, inhuman or degrading treatment or punishment, freedom of opinion, expression, religious persuasion, association and movement, and, in particular, the grave human rights violations against women and girls;

5. *Condemns* the killing of Iranian diplomats and the Islamic Republic News Agency correspondent by Taliban combatants, as well as the attacks on and the killing of United Nations personnel in Taliban-held territories of Afghanistan, and calls upon the Taliban to fulfil their stated commitment to cooperate in urgent investigations of these heinous crimes, with a view to bringing those responsible to justice;

6. *Notes with deep concern*:

(a) The worsening pattern of human rights violations in Afghanistan;

(b) The continuing and substantiated reports of human rights violations against women and girls, including all forms of discrimination against them, notably in areas under the control of the Taliban;

(c) The intensification of armed hostilities in Afghanistan and the increasingly ethnic and religious nature of the conflict, which have resulted in extensive human suffering and forced displacement, and which hinder the return of the internally displaced to their homes;

(d) The continued displacement of millions of Afghan refugees to the Islamic Republic of Iran and to Pakistan;

(e) The lack of major reconstruction in Afghanistan;

7. *Notes with deep concern* the sharp deterioration of the humanitarian situation in several areas of Afghanistan, particularly in Hazarajat, and the worsening security conditions for United Nations and other humanitarian personnel, while taking note of the agreement reached between the Taliban and the United Nations on the security of United Nations personnel in Afghanistan and calling for its full implementation;

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[8] United Nations, *Treaty Series*, vol. 75, No. 973.

[9] Resolution 34/180, annex.

[10] A/53/539.

8. *Calls upon* the Afghan parties to fully respect all human rights and fundamental freedoms, regardless of gender, ethnicity or religion, in accordance with international human rights instruments;

9. *Urges* all States to respect the sovereignty, independence, territorial integrity and national unity of Afghanistan and to refrain from interfering in its internal affairs;

10. *Urges* all the Afghan parties:

(a) To cease hostilities immediately and to work and cooperate fully with the Special Envoy and the United Nations Special Mission to Afghanistan with a view to achieving a ceasefire, thus laying the foundation for a comprehensive political solution leading to the voluntary return of displaced persons to their homes in safety and dignity and to the establishment of a broad-based, fully representative Government through the full exercise of the right to self-determination of the Afghan people;

(b) To respect fully international humanitarian law, to protect civilians, to halt the use of weapons against the civilian population, to stop the laying of landmines, especially anti-personnel mines, to stop forced conscription and the drafting and recruitment of children as soldiers and to ensure their reintegration into society;

(c) To provide efficient and effective remedies to the victims of grave violations and abuses of human rights and of humanitarian law and to bring their perpetrators to trial in accordance with internationally accepted standards;

(d) To treat all suspects and convicted or detained persons in accordance with relevant international instruments and to refrain from arbitrary detention, including of civilian foreign nationals, and urges their captors to release them as well as non-criminal civilian prisoners;

11. *Demands* that all Afghan parties fulfil their obligations regarding the safety of all personnel of diplomatic missions, the United Nations and other international organizations, as well as their premises in Afghanistan, and to cooperate fully and without discrimination on grounds of gender, nationality or religious persuasion with the United Nations and associated bodies as well as with other humanitarian organizations, agencies and non-governmental organizations;

12. *Urges* all the Afghan parties, in particular the Taliban, to bring to an end without delay all human rights violations against women and girls and to take urgent measures to ensure:

(a) The repeal of all legislative and other measures that discriminate against women;

(b) The effective participation of women in civil, cultural, economic, political and social life;

(c) Respect for the right of women to work and their reintegration in employment;

(d) The right of women and girls to education without discrimination, the reopening of schools and the admission of women and girls to all levels of education;

(e) Respect for the right of women to security of person and that those responsible for physical attacks on women are brought to justice;

(f) Respect for freedom of movement for women;

(g) Reinstatement of full access to health care for women and girls;

13. *Invites* the Secretary-General and the United Nations High Commissioner for Human Rights to proceed without delay to investigate fully reports of mass killings of prisoners of war and civilians, rape and other cruel treatment in Afghanistan, and calls upon

the Northern Alliance and the Taliban to fulfil their stated commitment to cooperate with such investigations;

14. *Invites* the Secretary-General and the United Nations High Commissioner for Human Rights to give consideration to the proposal to deploy human rights observers in Afghanistan and to make detailed recommendations to that effect to the General Assembly;

15. *Appeals* to all States, organizations and programmes of the United Nations system, specialized agencies and other international organizations to resume the provision of humanitarian assistance to all in need as soon as the situation on the ground permits;

16. *Expresses its deep concern* at reports of attacks on and looting of cultural artifacts in Afghanistan and emphasizes that all parties share the responsibility to protect their common heritage, and requests all Member States to take appropriate measures to prevent the looting of cultural artifacts and to ensure their return to Afghanistan;

17. *Urges* all the Afghan parties to extend their cooperation to the Commission on Human Rights and its Special Rapporteur on Afghanistan and to all those Special Rapporteurs who are seeking invitations;

18. *Requests* the Secretary-General to give all necessary assistance to the Special Rapporteur;

19. *Decides* to keep the situation of human rights in Afghanistan under consideration at its fifty-fourth session, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.